

In the Matter of License No. A-16970 Certificate No. A-151238 Service No.

Issued to: ELBERT N. DAVIS

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

393

Elbert N. Davis

This appeal comes before me by virtue of Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

On 6 September, 1949, Appellant appeared before an Examiner of the United States Coast Guard at Seattle, Washington, and entered a plea of guilty to a charge of "negligence" supported by a specification alleging that while serving as Master of the American M/V EXPRESS, under authority of his duly issued license and certificate, Appellant did, on or about 1 September, 1949, fail to navigate his vessel in a prudent manner, thereby violating Article 24 of the Rules for prevention of collision on Inland Waters.

My examination of the Record establishes that Appellant was fully informed of his rights and privileges under Coast Guard regulations; that his plea to the charge and specification was entirely voluntary.

At the conclusion of the hearing, an Order was entered by the Examiner suspending Appellant's license as Master (No. A-16970) and his Certificate of Service (No. A-151238) for three (3) months.

From that Order this appeal is lodged, and it is contended the Examiner "exceeded his authority" and imposed an excessive punishment by the suspension of both documents.

No factual or legal question is presented by this appeal. The sole problem is whether or not it is necessary to suspend this Appellant's license and a certificate of service.

In this case I find no such necessity exists.

Therefore, the Order of the Coast Guard Examiner dated 6 September, 1949, is modified to provide for suspension of Appellant's license (No. A-16970) for three (3) months commencing with the date of its surrender. No action shall be taken, arising from this incident, against Appellant's Certificate of Service No. A-151238.

As so MODIFIED, the Examiner's Order is AFFIRMED.

J. F. FARLEY
Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 2nd day of November, 1949.